IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL No. 383 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23/09/2004 in WP No. 26383 OF 2003 on the file of the High Court.)

Between:

M/s. Wire Tech Industries Limited, Lane No. 5, I.D.A. Nacharam,
represented by its Proprietor Sri M.A. Basith, S/o. M.A. Sattar, Aged 45 Years, Occ: Business, R/o. H.No. 16-4-738, Chanchalguda, Hyderabad.

..... APPELLANT

AND

1.The Andhra Pradesh State Financial Corporation Limited, represented by its Managing Director,
Chirag Ali Lane, (Head Office), Hyderabad.
2. The Assistant General Manager, APSFC, 5-9-194, Ground Floor, Chirag Ali Lane, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: Ms. HEMA JAISWAL

Counsel for the Respondents: MR.Y.N.LOHITA

The Court at the stage of admssion made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

After the One Time Settlement proposal was given and accepted in the year 2002, the appellant did not adhere to the same. Resultantly, the Respondent-Corporation had no other option except to advertise the properties for sale. There are two items of the property for sale at items 19 and 59, which are placed on record. Writ Petition was filed, which was dismissed for default and review was sought, which was withdrawn and appeal has now been filed.

The grievance of the appellant is that after the property at item No.19 has been sold, the amount realized after sale is sufficient to clear off the liability, except a sum of Rs.30,000/- and only for recovery of Rs.30,000/-, the property at Serial No.59 was sought to be sold. The property at Serial No.59 has not yet been sold.

The Respondent-Corporation filed a detailed counter affidavit controverting the allegations made in the writ petition and stating that it is incorrect that only Rs.30,000/- is payable by the appellant or that only Rs.30,000/- alone remained as a balance. It is stated that term loan and working capital term loan were made available to the appellant by the respondent-

Corporation, and, ultimately, One Time Settlement was not adhered to. The properties were put to sale. As on the date of

the filing of the affidavit, an amount of Rs. 4,73,601.00 is still due and payable after adjusting the sale consideration of Rs.13.50 lakhs.

We have asked the learned counsel for the appellant that if the appellant is prepared to deposit the amount of Rs.4,73,601.00, we may direct the respondent-Corporation to accept the same and waive of the balance interest etc., if any. But, the learned counsel for the appellant states that the appellant is not liable to pay the said amount. In these circumstances, we find no illegality or irregularity in the action of the respondents in auctioning the property for recovery of its dues on the loans advanced by the respondent-Corporation. The Writ Appeal, therefore, is dismissed. No costs.

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DEVINDER GUPTA, C.J.

1.3.2005.

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B.SESHASAYANA REDDY, J.

VR.

To

1.The Managing Director, Andhra Pradesh State Financial Corporation Limited, Chirag Ali Lane, (Head Office), Hyderabad.
2. The Assistant General Manager, APSFC, 5-9-194, Ground Floor, Chirag Ali Lane, Hyderabad.

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